or principle which could support the doctrine that a legislative grant is revocable in its own nature, and held only *durante bene placito.* * * * The property was, in fact and in law, generally purchased by the parishioners or acquired by the beneficence of the pious donors, and the title thereto was indefeasibly vested in the churches."

The doctrine contended for has been uniformly upheld and maintained by this Court, from the organization of the government down to the present time, and it cannot be repudiated in this case without striking down one of the strongest and most precious bulwarks of civil and religious liberty.

Second.

The power of Congress to disapprove and annul acts of the Governor and Legislative Assembly of Utah Territory applies to such acts as are general in their character, and does not apply to an accepted charter of a private corporation which contains no reservation of the right to alter, amend, or repeal the same, when there was no general law of the Territory reserving such right at the time the charter was granted.

The last clause of Section 6, which gives the Legislative Assembly of the Territory authority to legislate upon all rightful subjects of legislation, declares that all the laws passed by the Assembly and Governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect. By a fair construction of this clause of the section it could not be claimed that to render a territorial act valid it should be approved by the Congress of the United States, nor has it ever been so held, but it requires the *affirmative* act of Congress to disapprove the territorial act; and in the absence of such disapproval it certainly becomes a valid legislative enactment; and, as no time is fixed within which Congress may disapprove an act of the Territorial Legislature, it is very clear that this right of disapproval is a mere declaration on the part of the Congress of the United States, in passing the organic act for the Territory, to the effect that the acts of the Territorial Legislature are not the supreme law over the people of the Territory, in the sense in which the acts of a State Legislature would be supreme over the people of the State, and is an announcement that Congress reserves the power of supreme legislation over the territories, and that it may at any time abrogate the laws of the Territorial Legislature. That it may at any time repeal an act of the Territorial Legislature, just as it may repeal an act or Congress, or as a State Legislature may repeal an enactment of a former legislature.

We say, therefore, that while it is admitted that the Congress of the United States has supreme legislative authority over the territories, it has not the power to undo what it authorized to be done. We say that while *the granting of a corporate franchise* is an act of legislation, a law, because it is an act of the law-making power, the only representative of the State in this respect, it *is something more than a law in the general sense of that word.* A law in its general sense is a rule of action, and it applies to every citizen in the community. An act of incorporation, or any other contract made by the authorities representing the State, applies to one individual, or to a limited number of individuals, and while it is a law, as applied to them, it is at the same time a contract made with them, which, if executed, may not be impaired by any subsequent act of legislation.

Third.

The charter of the Church corporation, by the act of July 1, 1862, as well as by the lapse of time between its enactment and attempted disapproval — *thirty-six years* — received the sanction of Congress, and therefore could not be annulled and the corporation dissolved.

But we insist that in this case the ordinance in question must be held to have received the implied sanction of Congress. The law requires that the secretary of the Territory shall transmit to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress, two copies of the laws and journals of each session of the Territorial Legislature, within thirty days after the end of each session, and one copy to the President of the United States. This court will presume that the officers have performed their duty in this respect. From 1851 to 1887 there were thirty-six regular sessions of Congress. The sixth section of the organic act provides that all laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect. It is true there is no time fixed within which this disapproval may be manifested, but after this long period of time it is certainly fair to presume that such legislation has received the implied sanction of Congress.

In the case of Clinton vs. Englebrecht, 13 Wallace, 446, this court, in speaking of the jury law applicable to the Territory of Utah, says:

"In the first place we observe that the law has received the implied sanction of Congress. It was adopted in 1859. It has been upon the statute book for more than twelve years. It must have been transmitted to Congress soon after it was enacted, for it was the duty of the secretary of the Territory to transmit to that body copies of all laws on or before the first of the next December in each year. The simple disapproval by Congress at any time would have annulled it. It is no unreasonable inference, therefore, that it was approved by that body."

But we insist, further, that the act of 1862, passed by the Congress of the United States, recognizes the existence and validity of the contract and charter of incorporation of the Church of Jesus Christ of Latter-day Saints. By that act the Congress of the United States not only *did not disapprove*, but *approved this charter*, with certain exceptions, in regard to the construction of the powers contained in one of the sections of that charter. That act is entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah." The first section of that act defines the offense of bigamy and provides for its punishment. The second section declares:

"That the following ordinance of the provisional government of the State of Deseret so-called, namely, 'An ordinance incorporating the Church of Jesus Christ of Latter-day Saints,' passed February 8th, in the year 1851, and adopted, re-enacted, and made valid by the Governor and Legislative Assembly of the Territory of Utah by an act passed January 19th, in the year 1855, entitled 'An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication and distribution,' and all other acts and parts of acts heretofore passed by said Legislative Assembly of the Territory of Utah which establish, support, maintain, shield, or countenance polygamy be, and the same hereby are disapproved and annulled: *Provided*, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right to worship God according to the dictates of conscience, but only to annul all acts and laws which establish, maintain, protect or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations or other contrivances."

It will be observed that in this section, by the use of the words "and all other acts and parts of acts which establish, support, maintain, or countenance polygamy," there is an implied admission or claim that the ordinance referred to incorporating the Church of Jesus Christ of Latter-day Saints did support or countenance polygamy; and that fact being in the legislative mind, the proviso that the act of Congress of 1862, which declared that this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance referred to, nor with the right to worship God according to the dictates of conscience, but *only* to annul all acts and laws which establish, maintain, protect and countenance the practice of polygamy, must have been intended to limit the operation of this act of Congress to the repeal, or disapproval, of so much of the ordinance incorporating the Church of Jesus Christ of Latter-day Saints as may be construed to establish, maintain, protect or countenance the practice of polygamy. The proviso was a simple declaration that the act was only intended to annul all territorial laws, this ordinance included, which established, maintained, protected or